

App. No. 09/927,096
Amendment Dated: December 28, 2005
Reply to Office Action of July 28, 2005

REMARKS/ARGUMENTS

In the Office Action mailed July 28, 2005, claims 1-36 were rejected under 35 U.S.C. 103(a). Claims 1-36 remain pending. Applicants respectfully request reconsideration and allowance of the pending claims in light of the arguments provided below.

I. Rejection of claims 1-3, 6, 7-10, 13-16, 18-20, 21-22, 24-28, 29, and 32-36

Claims 1-3, 6, 7-10, 13-16, 18-20, 21-22, 24-28, 29, and 32-36 are rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,327,590 issued to Chidlovskii et al. (hereinafter Chidlovskii) in view of Pub. No.: US 20020054167 A1 of Hugh (hereinafter Hugh '167). Applicants respectfully disagree as explained below.

The Office Action admits that Chidlovskii does not teach or suggest all of the limitations in any of the independent claims 1, 7, 13, 21, and 29. The rejection of the independent claims is predicated on the combination of Chidlovskii and Hugh '167. However, Hugh '167 is not a proper reference for rejection of the claims of the instant application.

Hugh was filed on March 30, 2001 and is a continuation-in-part application of Patent No. 6,256,032 filed on January 19, 2000 and issued on July 3, 2001 to Hugh (hereinafter Hugh '032). The present application claims priority to provisional application 60/239,804 filed on October 11, 2000. The sections of Hugh '167 cited against the independent claims (sections, 0455 and 0450) were added as part of the continuation-in-part application filed March 30, 2001 and are not present in the parent application (Hugh '032) filed January 19, 2000. Since these sections were added as part of the continuation-in-part application, they do not gain the benefit of the earlier filing date for the purpose of establishing the subject matter as prior art. Since the priority date for these sections of Hugh '167 is therefore March 30, 2001 instead of January 19, 2000 or earlier, the claimed invention has a priority date earlier than the subject matter cited against the claims (i.e., October 11, 2000). Since the claimed invention has a priority date earlier than the cited sections of Hugh '167, Hugh '167 should be disqualified as prior art for the purposes of rejecting independent claims 1, 7, 13, 21, and 29. Without the Hugh '167 reference, Chidlovskii

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admittedly does not teach or suggest all of the limitations in any one of the independent claims. Independent claims 1, 7, 13, 21, and 29 are therefore patentable over Chidlovskii in view of Hugh '167.

Claims 2-3, 6, 8-10, 14-16, 18-20, 22, 24-28, and 32-36 are each dependent from one of the independent claims 1, 7, 13, 21, and 29. These claims are therefore patentable over Chidlovskii in view of Hugh '167.

II. Rejection of claims 4-5, 11-12, 17, 23, and 30

Claims 4-5, 11-12, 17, 23, and 30 are rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,327,590 issued to Chidlovskii et al. (hereinafter Chidlovskii) in view of Pub. No.: US 20020054167 A1 of Hugh (hereinafter Hugh '167) and further in view of US Patent No. 6,766,320 issued to Wang et al. (hereinafter Wang). Applicants respectfully disagree as explained below.

The rejection of claims 4-5, 11-12, 17, 23, and 30 is predicated on the rejection of independent claims 1, 7, 13, 21, and 29 under 35 U.S.C. 103(a) as being unpatentable over Chidlovskii in view of Hugh '167. As explained above, Hugh should be disqualified as prior art for the purposes of rejecting claims 1, 7, 13, 21, and 29 since the priority date of the sections cited from Hugh is later than the priority date for the claimed invention. The addition of Wang to Chidlovskii does not teach or suggest all of the limitations of each of the independent claims. Since Hugh is disqualified as a reference, independent claims 1, 7, 13, 21, and 29 are patentable over Chidlovskii in view of Hugh '167 in further view of Wang.

Claims 4-5, 11-12, 17, 23, and 30 are each dependent from one of the independent claims 1, 7, 13, 21, and 29. These claims are therefore patentable over Chidlovskii in view of Hugh '167 in further view of Wang.

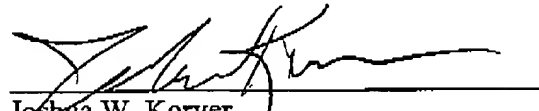
In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application,

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the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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